

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBBIE D. WHITE,

Plaintiffs,

v.

CITY AND COUNTY OF WEST
SACRAMENTO, et al.,

Defendants.

No. 2:20-cv-02383 MCE AC PS

ORDER and

FINDINGS AND RECOMMENDATIONS


Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On October 6, 2021, defendants filed a motion to dismiss this case. ECF No. 30. The motion was set to be heard on December 1, 2021 via Zoom. ECF No. 36. Plaintiff did not respond to the motion. Concerned that plaintiff had abandoned this case, the court issued an order continuing the hearing to December 8, 2021 and instructing the plaintiff to file an opposition or statement of non-opposition no later than November 24, 2021. ECF No. 39. The court informed plaintiff that failure to make a filing would result in a recommendation that this case be dismissed for failure to prosecute. ECF No. 13. Plaintiff again did not respond. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case.

Therefore, it is ORDERED that the hearing set for December 8, 2021 is VACATED to be re-set if necessary.

1 Further, IT IS HEREBY RECOMMENDED that this action be dismissed, without
2 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.
3 Civ. P. 41(b); Local Rule 110.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
6 (21) days after being served with these findings and recommendations, plaintiff may file written
7 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
8 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court's order.
10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: December 1, 2021

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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